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 Properties, L.C.

IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF UTAH

KENNETH G. HANSEN, an individual, DAVID
 RUTTER, an individual, TODD FISHER, an
 individual, FIBERTEL, INC., a Utah corporation,
 and K&D DEVELOPMENT, LC, a Utah limited
 liability company,

Plaintiffs,

vs.

MARC S. JENSON, an individual, MSF
 PROPERTIES, LC, a Utah limited liability
 Company, BANK ONE, N.A., a national banking
 association, MORRIS K. EBELING, an individual,
 MARK ROBBINS, an individual, MADTRAX
 GROUP, LLC, a Utah limited liability company,
 RICHARD "SKIP" CHRISTENSEN, an individual,
 GEORGE LAWRENCE CRITCHFIELD, an
 individual, STERLING REAL ESTATE
 INVESTMENT TRUST, INC., an expired Delaware
 corporation, SPENCER BRANNAN, an individual,
 UTAH RIDGE, INC., aka UNITA RIDGE
 DEVELOPMENT, INC., an expired Nevada
 corporation, FIRST WASATCH DEVELOPMENT,
 INC., a Nevada corporation, and DOES 1-50,

Defendants.

NOTICE OF REMOVAL

Judge Dale A. Kimball
DECK TYPE: Civil
DATE STAMP: 09/15/2004 @ 15:47:07
CASE NUMBER: 2:04CV00867 DAK

(State Court Civil No. 040917866)

NOTICE OF REMOVAL

Defendants Marc S. Jenson and MSF Properties, LC (collectively "Jenson/MSF") through their legal counsel provide notice that the above-captioned state-court action is hereby removed from the Third Judicial District Court of Salt Lake County, Utah, where it is now pending, to the United States District Court for the District of Utah pursuant to 28 U.S.C. § 1441. This Court has original and supplemental jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1367. In support of the removal of this action, Jenson/MSF state as follows:

1. Plaintiffs Kenneth G. Hansen, David Rudder, Todd Fisher, Fibertel, Inc., and K&D Development, LC (collectively "Plaintiffs") have commenced a civil action against Jenson/MSF and others in the Third Judicial District Court of Salt Lake County, State of Utah, entitled Hansen, et al. v. Jenson, et al., Civil No. 040917866 (the "State Court Action").

2. Plaintiffs filed their Complaint on August 20, 2004 and their First Amended Complaint thereafter, on August 27, 2004. Jenson/MSF's counsel accepted service of the First Amended Complaint on September 9, 2004. Jenson/MSF believe that they are the first named defendants to have accepted service of or to have been served with the Complaint and Summons and/or the First Amended Complaint and Summons.

4. Plaintiffs' First Amended Complaint alleges, among others, civil violations of claims or rights arising under the laws of the United States, including civil violation of 18 U.S.C. § 1962(c) (First Claim for Relief), civil violation of 18 U.S.C. § 1962(d) (Second Claim for Relief).

5. The district courts of the United States have original jurisdiction over all civil actions arising under the Constitution, treaties or laws of the United States. 28 U.S.C. § 1331.

6. Because Plaintiffs assert claims arising under the laws of the United States, this Court has original jurisdiction of the action, and Jenson/MSF may remove this action to the United

States District Court for the District of Utah under the provisions of 28 U.S.C. § 1441(b) and (c) and 28 U.S.C. § 1367.

7. This Notice is filed within thirty days after Jenson/MSF, or any other defendant in the lawsuit who has received, through service or otherwise, or a copy of the initial pleading setting forth Plaintiffs' claims for relief in the State Court Action as required by 28 U.S.C. § 1446(b).

8. Attached hereto as Exhibit "A" are copies of the Summons, Complaint, First Amended Complaint, and Acceptance of Service in the State Court Action, which are all process, pleadings, or other papers that Jenson/MSF have received in the State Court Action.

9. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Clerk of the Court of the Third Judicial District Court of Salt Lake County, Utah, and served on Plaintiff's counsel of record. A copy of the Notice of Filing filed with the Clerk of Court in the State Court Action and served on Plaintiff's counsel is attached hereto as Exhibit "B."

10. Jenson/MSF has obtained the joinders and/or consents of all other Defendants who have been served with or accepted service of a Summons and the Complaint and/or First Amended Complaint in the State Court Action.

DATED this 15th day of September 2004.

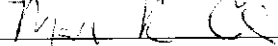
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Mark F. James

Mark R. Clements

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James E. Magleby


By: 
Attorneys for Marc S. Jenson and MSF
Properties, L.C.

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be mailed by U.S. mail, first class postage prepaid, this 15th day of September, 2004, addressed to the following:

John A. Beckstead
Brian C. Cheney
Snell & Wilmer
15 West South temple, Suite 1200
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Salt Lake City, Utah 84101-1004

Stephen J. Hill
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Salt Lake City, Utah 84111-1537



Exhibits/
Attachments
to this document
have **not** been
scanned.

Please see the
case file.